

Attachment 9 - Evaluation of Procedures at Harbors

RESOLUTION

Pursuant to Executive Order No. 11130, November 29, 1963, which authorizes this Commission "to prescribe its own procedures," it is therefore

Resolved, that the following are hereby adopted as the rules of this Commission in connection with hearings conducted for the purpose of the taking of testimony or the production of evidence.

1. One or more members of the Commission shall be present at all hearings. If more than one Commissioner is present, the Chairman of the Commission shall designate one of these Commissioners as the presiding Commissioner.

2. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence.

3. Process and papers of the Commission issued under Paragraph (d) of Joint Resolution S.J. 137, 88th Cong., 1st Sess., shall be returnable no less than three days from the date on which such process or papers are issued, and shall state the time, place, and general subject matter of the hearing. In lieu of such process and papers, the Commission may request the presence of witnesses and the production of evidence by written notice mailed no less than three days from the date of the hearing.

4. The period of notice specified in paragraph three (3) may be waived by a witness.

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5. At the opening of any hearing at which testimony is to be received a member of the Commission shall read into the record a statement setting forth the nature of the Commission's inquiry and the purpose for which the witness has been asked to testify or produce evidence. A copy of this statement shall be given to each witness prior to his testifying.

6. A witness shall have the right to be accompanied by counsel, of his own choosing, who shall have the right to advise the witness of his rights under the laws and Constitution of the United States, and to make brief objections to questions. At the conclusion of the witness' testimony, counsel shall have the right to clarify the testimony of the witness either by questioning the witness or by the submission of a statement on the witness' behalf.

7. Every witness who testifies at a hearing shall have the right to make an oral statement and to file a sworn statement which shall be made part of the transcript of such hearing, but such oral or written statement shall be relevant to the subject of the hearing.

8. Rulings on objections or other procedural questions shall be made by the presiding member of the Commission.

9. A stenographic verbatim transcript shall be made of all testimony received by the Commission. Copies of such transcript shall be available for inspection or purchase by the witness or his counsel at regularly prescribed rates from the official reporter. A witness or his counsel shall be permitted to purchase or inspect only the transcript of his own testimony before the Commission.

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10. Prior to the start of a witness' testimony, he shall be advised of his constitutional privilege to refuse to give testimony which may tend to incriminate him or subject him to a penalty or forfeiture. He shall further be advised that, after having claimed this privilege, he may nevertheless be compelled by the presiding member of the Commission, to give such testimony but that he shall not thereafter be prosecuted or subjected to any penalty or forfeiture (except demotion or removal from office) for or on account of any transaction, matter or thing concerning which he is compelled to testify, except that he shall not be exempt from prosecution and punishment for perjury committed in so testifying.

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